REMARKS

Claims 1-37 are currently pending in the Application. New claim 38 is presented for consideration.

Claims 24-29 stand objected to as each depending from a rejected base claim. Claim 24 has been rewritten in independent form so as to be allowable. Claims 25-29 depend connately from claim 24 so as to likewise be allowable.

Claims 1, 2, 5-8, 10, 15, 16, 22, 23 and 32-34 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 6,305,880, to Carter et al. (Carter). Claims 1, 2, 5-7, 10, 15, 16, 20, 21, 33 and 34 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 6,149,349, to Nikiforuk et al. (Nikiforuk). Claims 1, 2, 5 and 6 stand rejected under 35 U.S.C. § 102 as allegedly anticipated by U.S. Patent No. 6,443,658 (Lincoln). Claims 3, 4, 11-14, 17-19, 30, 31, 36, and 37 stand rejected under 35 U.S.C. § 103 as obvious over Nikiforuk in view of U.S. Patent No. 5,516,080 (McVaugh). Claims 9 and 35 stand rejected under 35 U.S.C. § 103 as obvious over Carter.

Reconsideration of the rejection of claims 1-23 and 30-37 and favorable consideration of claim 38 are requested.

Claim 1 has been amended to recite the steps of placing the support against an upwardly facing surface and bearing the support against a vertically extending surface with the support remaining against the upwardly facing surface. The step of operating the cable has been further characterized as producing a reaction force through the support upon the vertically extending surface.

None of the references cited by the Examiner teaches or suggests a support for a cable pulling assembly that is operable as recited in claim 1. None of Carter, Nikiforuk, Lincoln or McVaugh teaches or suggests a corresponding support that can be placed

against an upwardly facing surface preparatory to operation thereof. Whereas the method contemplates the use of an apparatus that can be assembled on site and self-supported in an operative position, this concept is not taught or suggested by any of the prior art cited by the Examiner.

Additionally, claim 1 characterizes the step of operating the cable pulley as causing a pulling force on the cable to be continuously applied to thereby cause the mole to be advanced a substantial distance under this continuously applied pulling force.

Carter characterizes the cable pulling device 120 therein as having a pulling collet which releasably engages the cable to repeatedly effect pulling thereof using "short pulling strokes" (Column 4 lines 16-18).

Nikiforuk, as described in column 9 lines 48-50, repeatedly grips and moves the pulling cable in short strokes.

Lincoln, as described in column 4, lines 18-26, utilizes a hammer 16 and/or winch 12 to reposition the bursting ram. While the details of the "winch" 12 are not explained, conventionally repetitive short movements are known to move a ram/mole.

McVaugh, as noted above, does not teach operation of a mole to define as passageway through a composition. Thus combining his teachings with those in the other references is not appropriate.

In any event, the prior art, collectively, does not teach or suggest a method that can be practiced wherein a support on an apparatus is placed bearingly against an upwardly facing surface, whereupon a cable pulling assembly is operated to bear the support against a vertically extending surface with the support remaining against the upwardly facing surface while a continuous pulling force is generated.

Claims 2-14 and new claim 38 depend from claim 1 and recite further significant limitations to further distinguish over the cited art.

It is noted that the Examiner has relied on McVaugh, in combination with Nikiforuk, in rejecting claims 3, 4, 11-14, each of which is directed to specifics of the cable pulling assembly. As noted above, McVaugh is not concerned with drawing a mole through a composition to form a passageway, but instead relates to the threading of a cable through an existing conduit. Even if one were to improperly make the combination, the claims as pending still further distinguish over the combination of McVaugh and Nikiforuk.

For example, claim 3, as amended, characterizes the support as having a top and bottom and the first axis as residing below the top of the support.

McVaugh does not teach any corresponding support, and even if combined with Nikiforuk, which is believed inappropriate, would still teach one to locate the cable pulling assembly of McVaugh to be spaced above the support, as shown.

On the other hand, by performing the method with the first axis below the top of the support, a compact overall system results that can be used to positively exert a pulling force on a mole.

Claim 8 characterizes the method as including the step of releasably attaching the cable pulling assembly to the support in an operative position by pivoting the cable pulling assembly relative to the support from a pre-assembly position to the operative position.

The prior art is devoid of any type of guided pivoting movement between a corresponding cable pulling assembly and support therefor.

Claim 12 characterizes the step of locally exerting a radial force on the cable as being accomplished through a roller.

Only McVaugh teaches a cable engaging element, but this element is not a roller, as claimed.

Claim 38 characterizes the first location as residing within a passageway below ground level, with the step of operating the cable pulling assembly involving operating the cable pulling assembly with the entire cable pulling assembly below ground level within the passageway.

Only Carter's apparatus is operable with the cable pulling assembly and support within a passageway below ground level. However, the support does not bear upon an upwardly facing surface, and thus the weight thereof must be worn by the operator.

Claim 15 has been amended to characterize the support as comprising at least one downwardly facing support surface to bear against an upwardly facing surface to thereby maintain the apparatus in an operative position. The support is further characterized as comprising a reaction plate to bear on a vertically extending surface to transfer a reaction force generated during operation of the cable pulling assembly.

As noted with respect to claim 1, the prior art does not teach or suggest any corresponding support that is capable of bearing against an upwardly facing surface so as to transfer a reaction force generated during operation of the cable pulling assembly.

Claims 16-37 each depends cognately from claim 15 and recites further significant structural detail to further distinguish over the prior art.

As just examples, claim 30 characterizes the support as having a top and bottom and the first axis as residing below the top of the support.

Claim 31 recites a cable tensioning assembly to locally biasably exert a radial force on a cable engaged by the cable-engaging portion.

These and other limitations in the dependant claims are neither taught in nor suggested by the cited art.

Reconsideration of the rejection of claims 1-37, favorable consideration of new claim 38, and allowance of the case are requested. The additional claim fee of $50.00 is enclosed. Should additional fees be required in connection with this matter, please charge our deposit account No. 23-0785.

Respectfully submitted,

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